

**MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, August 4, 2015 – 6:00 p.m.
Council Chambers, City Hall**

COUNCIL MEMBERS PRESENT

Mayor James Minster, Council Members Sallee Orr, Brent Strate, Wayne Smith and Bryan Benard

COUNCIL MEMBERS EXCUSED

Council Member Russell Porter

STAFF MEMBERS PRESENT

City Manager Matt Dixon, City Attorney Ken Bradshaw, Fire Chief Cameron West, Parks and Public Works Director Jon Andersen, and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Jan Carlsen, Chad Walton, Gareth Bloomfield, Kyler Weston, Todd Weston, Jayme Mylatt, Joseph Hartung, Xander Pentico, Dominick, Jaxon Buckway, Ben Johns, Destry Labrum, Adam Hensley, Jerry Cottrell, Julie Furniss, Cory Buckway

I. OPENING CEREMONY

A. Call to Order

Mayor Minster called the meeting to order at 6:01 pm and called for a motion to convene.

Council Member Smith moved to convene as the South Ogden City Council, with a second from Council Member Strate. In a voice vote Council Members Smith, Strate, Orr and Benard all voted aye.

The mayor excused Council Member Porter who was unable to be in attendance at the meeting.

B. Prayer/Moment of Silence

The mayor invited everyone to participate in a moment of silence.

C. Pledge of Allegiance

Council Member Orr directed those present in the Pledge of Allegiance.

Mayor Minster announced there would be a change on the agenda; the executive session would not be held.

He then announced it was time for public comments and invited anyone who wished to come forward to do so.

II. PUBLIC COMMENTS

There were no public comments.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

Mayor Minster invited the scouts present to come forward. Council Member Smith presented each scout with a South Ogden pin and asked that they give their name and the reason they were there.

Chad Walton, Scout Master, announced they were Troop 254 and were there to fulfill requirements for both the Citizenship in the Community and Communication merit badges. Members of Troop 254 who introduced themselves were: Gareth Bloomfield, Dominic, Xander Pentico, Joseph Hartung, and Jayme Mylatt. Kyler Weston, Troop 269, and Jaxon Buckway, Troop 334, also introduced themselves. Others present were Todd Weston, Scout Master for Troop 269, Ben Johns, Assistant Scout Master Troop 254, and Destry Labrum, Eleven Year Old Scout Leader.

IV. CONSENT AGENDA

- A. Approval of July 21, 2015 Council Minutes**
- B. Approval of July Warrants Register**

The mayor read through the items on the consent agenda and asked if there were any questions.

Council Member Orr had a correction for the minutes. The word “weeds” needed to be changed to “windows” in her comments. She also had several questions concerning the warrants register. After the questions were answered, Mayor Minster called for a motion concerning the consent agenda.

Council Member Benard moved to approve the consent agenda as presented. The motion was seconded by Council Member Orr. In a voice vote, Council Members Orr, Benard, Smith and Strate all voted aye.

V. PUBLIC HEARING

- A. To Receive and Consider Comments on the FEMA Pre-Disaster Mitigation Plan**

The mayor invited Fire Chief Cameron West to explain about the Plan. Chief West said FEMA was now requiring every county to create a pre-disaster mitigation plan. The plan being presented would be modified as each city submitted changes specific to them. He also said the public hearing would be open for 30 days for comment. Once the Plan was finalized, it would be sent to FEMA for their approval, and then returned to the county and cities for adoption via ordinance.

Mayor Minster called for a motion to enter a public hearing.

Council Member Orr moved to close the public meeting and open a public hearing to receive comments on the FEMA Pre-Disaster Mitigation Plan. Council Member Strate seconded the motion. The vote was unanimous in favor of the motion.

The mayor invited anyone who wished to comment to come forward. There were no comments from the public. Mayor Minster then called for a motion to close the public hearing.

Council Member Smith moved to close the public hearing and reconvene as the South Ogden City Council, followed by a second from Council Member Strate. The vote was unanimous to close the public hearing.

VI. DISCUSSION / ACTION ITEMS

- A. **Consideration of Ordinance 15-20 – Amending the Public Works Standards and Drawings**
Parks and Public Works Director Jon Andersen came forward to speak to this item. He explained the amendment corrected two errors that had been found after the initial adoption of the Public Works Standards. He explained what the corrections were and said everything else would remain the same.
Mayor Minster called for a motion concerning Ordinance 15-20.

Council Member Strate moved to adopt Ordinance 15-20, amending the Public Works Standards. The motion was seconded by Council Member Benard. The mayor asked if there were further discussion, and seeing none, called the vote:

Council Member Strate-	Yes
Council Member Benard-	Yes
Council Member Orr-	Yes
Council Member Smith-	Yes

Ordinance 15-20 was adopted.

- B. **Consideration of Resolution 15-35 – Approving an Easement Agreement With Ogden Athletic Club for Use of Parking Lot**

City Manager Matt Dixon explained there had been questions raised by residents from the neighborhood of the Ogden Athletic Club concerning the gate access. After looking into the matter, staff recommended the City formalize the understanding that had existed for the past ten years between the City and the Ogden Athletic Club for the use of the parking lot. This agreement did that.

Mr. Dixon said there had been some discussion concerning the gate access to the parking lot as far back as 2005, which had been included in the packet. He had also invited Jen Carlsen, Manager of the Ogden Athletic Club and Brian Dugger to the meeting that evening to answer questions; Brian Dugger had donated the property behind the Ogden Athletic Club for the Nature Park and had been present for prior discussions concerning the gated access. Mr. Dixon said it was staff's opinion that the location of the access did present a public safety concern and should be moved further south to where the shared parking for the park was located.

He then pointed out that the agreement before the Council that evening was for an easement for shared parking with The Club; however, there were still some details that needed to be clarified and worked through between the two parties. He did not anticipate that they would be major changes. City Attorney Ken Bradshaw added that the legal description in the agreement was just a place holder at this point and would be replaced with the correct one as soon as the engineer made it available.

Mayor Minster entertained a motion concerning the resolution, with the idea that it would be turned over to staff.

Council Member Benard clarified they were talking about two separate things: the easement to use the parking lot and the issue of moving the access and gate. Mr. Bradshaw said that was correct. The metes and bounds description of the easement would be slightly different depending on the decision of where the access would be. He also suggested the decision on the access of the gate be adopted by resolution at a later date so the record would be clear.

Mr. Benard asked if the decision about the access and the gate was theirs to make as it involved someone else's property. Mr. Bradshaw said that was correct; however the City had some say in where the access was located because of public safety. The decision before the Council that evening was only concerning the use of the parking lot. He pointed

out the agreement for the use of the parking lot had been made ten years earlier, but there was never a written record. The intent that evening was to memorialize the existing arrangement so everyone would know what it was; however it was getting tangled up in the discussion of the current access and gate.

Council Member Strate said he thought the record was clear about the gate. The gate was to be put back up after the Park Vista Road was put in and both the Planning Commission and City Council had agreed to it. City Attorney Bradshaw said he totally disagreed with Mr. Strate and his interpretation of the record was completely incorrect. There was no agreement.

Mayor Minster said they needed to look at what was currently happening and make things work for everybody.

Council Member Strate said if they were going to leave the gate out, it should be put through the public process, just like it was put through before. Mayor Minster said the issue that evening was not about the gate. It was about approving an easement agreement for parking.

Mr. Strate asked what the next step would be after approving the easement agreement. He asked that the process be explained.

City Attorney Bradshaw said the Council could address the matter of the gate in several ways but they needed to remember that it was not a unilateral decision; it involved the property owner as well. The Council needed to make a policy decision on how to go about handling the matter.

City Manager Dixon asked at what point in any development does the Council or Planning Commission get involved in discussing access from a City street to private property? Mr.

Bradshaw said the decision of where someone has a driveway going into their private property is not normally a City Council decision; however, this situation was not normal.

Mr. Dixon asked if the Council could give staff some direction, assuming the easement agreement was passed that evening, to work out the access details with the Ogden Athletic Club. Mr. Bradshaw said they could. Mr. Dixon asked if Mr. Bradshaw was comfortable to have more discussion on the gate so staff would know in what direction to move concerning it; the legal description in the easement agreement contemplated that the access would be moved further south from its current location nearer to where the shared parking would be. Mr. Dixon asked whether the Council was 1) in favor of moving the access further south, and 2) how they envisioned seeing the access functioning for the sake of the public.

Council Member Strate said he was in favor of moving the access further to the south; it made sense from a public safety aspect. However, he was only in favor of it if there was a gate. He also suggested the existing access and gate remain and still add an access and gate further south. He felt the City owed it to the residents to maintain its commitment. He wanted to work it out for the residents of the neighborhood, the patrons of the Club and public safety.

Council Member Smith said it was the nature of things that they change. He gave an example of how his street and neighborhood had changed since he purchased his home. The issue of the gate involved the development of a subdivision, a public park and public access. Businesses had a right to have their patrons come and go and he did not think the City had the right to restrict the Club to one access for their business.

Council Member Benard said he did not think there had been a clear agreement concerning the gated access in the past. He had also not heard anything to suggest that without a gate, there would be a problem. He was a frequent patron of The Club and had never observed problems with people using the parking lot as a thru way to the other side of The Club. He knew of residents in the area who were in favor of having the gate there and others who were against it and wanted the access left open. He did not think there was a problem to fix. He thought it was important to defer to a landowner and business in the City to manage the issue in a reasonable way without creating further safety hazards. He felt that moving the access further south would improve the public safety. He was in favor

of the easement agreement and in favor of discussing with the landowner moving the access further south; however, at this point he was not in favor of a gate as he did not see a problem with not having one. The only reason to have a gate might be if it acted as a deterrent to people to not use the access in an irresponsible way.

Mayor Minster agreed that the issue needed to be worked out with the landowner and that staff could make an agreement and bring it back to the Council.

Council Member Orr said residents at the meeting for the preliminary approval of the subdivision had been told that the gate would be replaced. City Attorney Bradshaw said it was not uncommon for things to change from preliminary approval to final approval of a subdivision; often unexpected things happened to change them. The Park Vista Subdivision was a great example. Although preliminary approval for the subdivision had been granted in 2002, the subsequent donation of land for the Nature Park and the development of the park changed some of the conditions of the subdivision. Final approval of the Park Vista Subdivision had taken three years due to everyone working out the details so the subdivision and the park would work together.

Ms. Orr wondered why safety issues were not looked at when the gate was not put back in. City Attorney Bradshaw pointed out the parties, including the Planning Commission, City Council, staff and neighbors involved in the final decision concerning the subdivision and the gate had been in a better position to make the correct decision at that time. He further pointed out that no one had come forward in the intervening ten years to say the decision was wrong. He restated that it did no good to look back. They should look at the issues now and work to correct them.

Council Member Strate said the Planning Commission had approved the gate when they approved the subdivision.

City Manager Dixon said they approved what was on the plat, not statements and discussions in minutes.

Council Member Strate disagreed; he said the gate was approved. City Attorney Bradshaw reminded the Council they were having a debate about a piece of property over which they had no control. Council Member Strate asked if Mr. Dugger could comment.

Bryan Dugger came forward. He stated he had not been to the meetings for the approval of the subdivision, so he did not know what had happened. However he did know that after he donated the land for the park he became a member of the park committee, and the committee had discussed the need for additional parking. He then allowed park users to use his parking lot. The agreement was never formalized but just made through discussions with the city manager. As the discussions progressed, they realized people would need access to the parking. The city manager, fire and police at that time said they would prefer that the gate not go up due to public safety.

Mayor Minster reiterated that they should not look at the past, but all parties should work together to find a solution for the present.

There was some debate among the council members concerning the gate and its approval. City Manager Dixon asked the Council if they approved the easement agreement, if they could authorize staff to work with The Club on the safest alternative access to The Club parking. Staff was already prepared to make the recommendation that the access be relocated for safety purposes and be left open; this was the best alternative for fire and police response. The Club had been very willing to work with the City in finding a solution to the matter. If staff could get direction that evening, they were prepared to move forward.

Council Member Orr asked if the action on the easement depended on the decision on the gate. Mr. Bradshaw said it did not. City Manager Dixon said his intent was that the easement be approved and the matter of the gate be resolved that evening. It should not have to come back to the Planning Commission or the Council.

Mayor Minster called for a motion.

Council Member Strate moved to adopt Resolution 15-35, granting the easement. Council Member Benard seconded the motion. The mayor asked if there were further discussion. City Manager Dixon asked if language could be added to the motion to allow staff to finalize any details to the easement agreement. City Attorney Bradshaw said the language already existed in the resolution. There was no further discussion. **Mayor Minster called the vote:**

Council Member Strate-	Yes
Council Member Benard-	Yes
Council Member Orr-	Yes
Council Member Smith-	Yes

Resolution 15-35 was adopted.

Council Member Benard then moved to direct staff to coordinate with The Club to move the access and leave it open as it had been the last ten years. The motion was seconded by Council Member Smith. The mayor asked if there were further discussion, and seeing none, he called the vote:

Council Member Benard-	Yes
Council Member Smith-	Yes
Council Member Strate-	No
Council Member Orr-	No

Because the vote resulted in a tie, the Mayor was called upon to vote. He voted yes. The motion held.

C. Discussion on the FEMA Pre-Disaster Mitigation Plan

Fire Chief Cameron West came forward to speak to this item. He explained that staff was already working on changing the part of the Plan that had to do with South Ogden, especially concerning infrastructure.

Mayor Minster added everyone needed to read the part on earthquakes as it was very important.

Council Member Smith asked if the fire department was involved in the inspection of buildings. Chief West said they were as far as the fire code was concerned; his department worked closely with the building inspector to ensure all codes were being met.

Council Member Benard asked if there were tools and equipment the City needed to purchase to be better prepared in the case of a disaster. The Chief said the items had already been requested in the budget.

Council Member Strate asked when the next tabletop exercise would be. Chief West said they would be happy to schedule one.

Council Member Orr verified that the public hearing was being held open for 30 days for the public to comment. The Chief said that was correct; FEMA required it. A link would be put on the City's website to allow people to comment.

There was no more discussion.

D. South Ogden Days Report/Feedback

Mayor Minster turned the time to Jill McCullough, Special Events Coordinator. Ms. McCullough reviewed the recommendations from staff resulting from their South Ogden Days Debriefing Meeting.

The first recommendation was to charge adults a \$1 entrance fee; doing so would bring in approximately \$8,000 for the event. After discussion, the Council determined they would not want to charge an entrance fee.

The next recommendation was that the 5k be held later in the evening so it would be cooler. Nine pm had been suggested. Council Member Orr agreed it should be later, but not when it was dark.

Council Member Smith asked if Dog Docking could be made a part of South Ogden Days. If the City could get a sponsor for it, he felt it would be very successful. He also suggested a tug-of-war competition between law enforcement agencies. It could be called a "Pulled Pork Contest" and he suggested that Texas Road House could sponsor the event.

Ms. McCullough said the next suggestion from staff was that the South Ogden's Got Talent event be moved to Friday and Saturday rather than Thursday and Saturday. Staff also thought it would be better to separate age groups; have a competition for youth and one for adults. The only drawback from moving it to Friday night would be that they would not use the amphitheater for the competition. Council Member Benard suggested they do the kids portion of the competition at the amphitheater.

Next, Ms. McCullough pointed out the mud volleyball pit was a lot of work for the Public Works staff. She felt it was under-utilized for the amount of work it took to create it, and suggested that the pit be rented out to groups during the time it was not being used for volleyball. The Council thought that would be a good idea.

Ms. McCullough next said she was hesitant to bring the same carnival group back because of several issues that had occurred. Options were to not have a carnival at all, bring a smaller carnival, or look for another one that compared to the size of the one the City had been using. Doing bounce houses was another option. The Council asked several questions and after discussion determined they would still like a carnival or some type of activities that would draw people.

Next, Council Member Benard suggested the SOFI Awards include graphics showing what the people were receiving the awards for. There were several suggestions made as to how that could happen.

The Council then discussed the performing group for South Ogden Days. Council Member Orr suggested the City work in cooperation with other venues to see if they could get a big name person to come; it may be less expensive if the performer were already in the area to perform somewhere else. There was also discussion to move away from Country performers.

The Council thanked Ms. McCullough for her hard work in making South Ogden Days a success.

VII. DEPARTMENT DIRECTOR REPORTS

A. Parks and Public Works Director Jon Andersen – Project Updates

Mr. Andersen reported on several projects throughout the City:

Street Striping – had been completed on July 30.

38th Street Road Project – would begin construction the next Monday.

Playgrounds – there were only a few loads of bark left to be spread and then the playground improvements would be completed.

Nature Park Restroom – they had scheduled work to begin the previous day, but the rain had delayed them. They hoped to start it in the next few days.

42nd Street – The heavy rainfall the previous day had washed out a portion of 42nd Street. Crews were working on replacing it.

Council Member Strate asked where staff was on looking at the road cut fees. Mr. Andersen said they hoped to have it before the Council at their next meeting. Mr. Strate

asked if the City's code limited the size of trucks that could go on City streets. Mr. Bradshaw said only so far as parking of trucks on City streets.

There was some discussion on where the large construction trucks from the new school were using City roads and the complaints that had been received.

Council Member Benard then pointed out the area along 5600 South that had previously been discussed needed to be taken care of; it was filled with weeds. Staff said the property belonged to the State and was part of the Highway 89 right-of-way. Council Member Smith also pointed out another piece of property along Burch Creek Hollow that belonged to the City and that was full of weeds. The Council asked staff if they could speak with the State and work out an agreement with them concerning maintenance of the area on 5600 South.

Council Member Benard also asked staff to look into sectioning off a portion of the off-leash dog area for smaller dogs. He suggested calling the off-leash area the "Bark Park".

VIII. REPORTS

- A. Mayor** – said Jennifer Crouse, CEO of the Northern Utah Rehabilitation Hospital, had competed in the national Miss Wheelchair competition. She had not placed in the competition but had received a Lifetime Achievement Award. The mayor then informed the Council he had tickets to the Weber County Fair if they were interested.

Lastly, the mayor read a letter (see Attachment A) from the Weber County Commission stating Weber County had taken over management of the Egyptian Theater and Ogden Eccles Conference Center.

B. City Council Members

Council Member Benard – nothing to report.

Council Member Orr – asked about the mini pig issue that had come up in a previous meeting. Staff gave her an update.

She then said there was a National Night Out activity in Ogden and asked if one was planned for South Ogden. She was informed South Ogden would not be holding an activity.

She then handed the Council photos given to her by a resident of properties where weeds and junk were not being enforced (see Attachment B). She asked if the process to abate junk and weeds could be shorter.

Ms. Orr asked City Manager Dixon about the agreement with UDOT concerning the 40th Street Project; did the City have to come up with the full amount up front? City Manager Dixon said the City did not.

She then reminded those present that the SOBA meeting would be tomorrow at noon.

Council Member Strate – nothing to report.

Council Member Smith – said 4050 Madison needed to be looked at for weed abatement as well.

C. City Manager –

Reported on several matters:

City Logo – he had received some more concepts that day and forwarded them to the Council via email. He asked the Council to copy everyone on the responses.

Utah League of Cities and Towns September Conference – asked those wishing to attend to contact him so he could register.

Officer Dingman Retirement – reminded the Council of the retirement party for Greg Dingman on Friday, August 14 at 2 pm.

Human Resource Specialist – the second round of interviews had taken place that day and they were now checking references. They hoped to have a new person in place soon.

Annexation Policy Plan Amendment – informed the Council the Planning Commission would be looking at amending the City's Annexation Policy Plan to include a parcel on Harrison Boulevard right before Old Post Road.

D. **City Attorney Ken Bradshaw** – nothing to report.

IX. **RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION**

A. **Pursuant to UCA §52-4-205 1(c) to discuss pending or reasonably imminent litigation**

This item was cancelled earlier in the meeting.

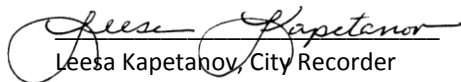
X. **ADJOURN**

Mayor Minster called for a motion to adjourn the meeting.

Council Member Benard moved to adjourn, followed by a second from Council Member Orr. All present voted aye.

The meeting adjourned at 8:20 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, August 4, 2015.


Leesa Kapetanov, City Recorder

Date Approved by the City Council August 18, 2015

Attachment A
Letter from Weber County Commission



Matthew G Bell
Commissioner
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Kerry W. Gibson
Commissioner
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Charles J. Ebert
Commissioner
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July 1, 2015

Mayor James Minster
3950 S. Adams Ave.
South Ogden, UT 84403

Dear Mayor James Minster:

We are excited to announce that on July 1, 2015 Weber County began managing the Ogden Eccles Conference Center (OECC) and the Peery's Egyptian Theatre. Our vision for these two unique facilities is to enhance quality of life for our local citizens and business owners and be a resource for you. We believe that every city, local business, school, non-profit and citizen group should look to these two venues as their home to host events. We will continue to market our out-of-state clientele; however, with this management change, we will be certain to embrace our local communities.


Mr. Mike Fenton, our General Manager, brings a wealth of hospitality and management experience along with an understanding of our local markets. He and his staff will ensure that our customers and citizens have an exceptional experience every time they visit.

Large or small, we invite you to host your next community event or party at the OECC and/or Peery's Egyptian Theatre.

Respectfully,


Kerry W. Gibson


Matthew G Bell


Charles J. Ebert

Weber County Commissioners



Attachment B
Photos

